



MONTANA STATE HOSPITAL POLICY AND PROCEDURE

GUIDELINES FOR RELEASE OF INFORMATION

Effective Date: September 1, 2002

Policy #: HI-06

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- I. PURPOSE:** To establish safeguards to preserve the privacy and confidentiality of patient information.
- II. POLICY:** Montana State Hospital will follow the combined requirements of State, Federal, and JCAHO standards, in order to release information from medical/psychiatric records.
- III. DEFINITIONS:** None
- IV. RESPONSIBILITIES:**
 - A. Health Information and clinical staff will release confidential patient information under the guidance of State and Federal statutes and licensure and certification regulations.
- V. PROCEDURE:**
 - A. Guidelines for the release of information.
 - 1. Any information of a medical/psychiatric nature in possession of the hospital must not be revealed by an employee of the hospital except as permitted in accordance with State, Federal and JCAHO guidelines.
 - 2. The hospital will not voluntarily use the record in any manner which will jeopardize any of the interests of the patient, with the exception that the hospital itself will use the records, if necessary, to defend itself or its agents.
 - 3. Members of the attending clinical staff or consulting staff may freely consult in the Health Information Service such as it pertains to their work.
 - 4. Direct care staff may not give authorization to insurance companies or attorneys to secure records.
 - 5. Original medical/psychiatric records shall not be taken outside of the hospital except upon receipt of a subpoena duces tecum, court order, or statute.
 - 6. When a medical/psychiatric record has been subpoenaed, every effort will be made to have the court accept a certified copy of the record. Where the

judge orders that the original medical/psychiatric record be held, a receipt must be procured from the Clerk of the Court and filed in the folder until return of the record.

7. The administration, at its discretion, will permit use of the medical/psychiatric records for research purposes. Persons other than members of the hospital and visiting staff requesting this privilege must secure the written authorization of the administration and of the attending physicians on those cases.
8. The desire of the patient should be honored when he/she specifically requests the information not be released. Such a statement should be recorded in the records. When possible the request should be in writing and filed in the patient record.
9. Written authorization must be obtained for the release of medical/psychiatric information except in reference to section V, C, 1 through 8 of this policy.

B. Authorization for release of information.

1. Health care information will not be released about a patient without the patient's written authorization unless specifically provided by law.
2. An authorization for release of information must:
 - a. Be in writing, dated, and signed by the patient or patient guardian.
 - b. Identify the nature of the information to be disclosed.
 - c. Identify the person or agency the information is to be disclosed.
 - d. If an authorization does not contain an expiration date, it expires 6 months (180 days) after it is signed.
3. Blanket release from an insurance company for utilization review and receipt of benefits will be honored.

C. Release of information to an authorized person without consent of the patient or patient guardian. M.C.A. 53-21-166

1. In communications between qualified professionals in the provision of services or appropriate referrals.
2. To the extent necessary to make claims on behalf of a recipient of aid, insurance, or medical assistance to which he may be entitled.
3. For research.

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4. To the courts as necessary to the administration of justice.
5. To persons authorized by an order of court, after notice and opportunity for hearing to the person to whom the record or information pertains and the custodian of the information pursuant to the rules of civil procedure.
6. To members of the mental disabilities board of visitors or their agents when necessary to perform their functions as set out in 53-21-104.
7. Based on need to know as listed in M.C.A. 50-16-529 attached.
8. Other bases M.C.A. 50-16-530 attached.

VI. REFERENCES: Montana Codes 50-16 Part 5 Uniform Health Care Information. JCAHO, Medicare, Medicaid Conditions of Participation.

VII. COLLABORATED WITH: Medical Director, Hospital Administrator

VIII. RESCISSIONS: #HI-06, *Guidelines for Release of Information* dated February 14, 2000; HOPP # 12-03R.1.051480 – *Guidelines for Release of Information* dated November 21, 1979.

IX. DISTRIBUTION: All hospital policy manuals

X. REVIEW AND REISSUE DATE: September 2005

XI. FOLLOW-UP RESPONSIBILITY: Director of Information Resources

XII. ATTACHMENTS:

Attachment A -- Hospital Authorization for Release of Information Form

Attachment B -- Based on need to know as listed in M.C.A. 50-16-529

Attachment C -- Other bases M.C.A. 50-16-530

Attachment D – Release to an Authorized Person

_____/____/____
Ed Amberg
Hospital Administrator

Date

_____/____/____
Billie Holmlund, RHIA
Director of Information Resources

Date